

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**BELLAIRE GENERAL HOSPITAL, L.P.,
d/b/a BELLAIRE MEDICAL CENTER,

DEBTOR.**

§
§
§
§
§
§

**CASE NO. 05-30089-H5-11
(CHAPTER 11)**

Doc. #95

**ORDER AUTHORIZING RETENTION AND
EMPLOYMENT OF SMITH MOORE, LLP AS SPECIAL
COUNSEL FOR DEBTOR AND DEBTOR-IN-POSSESSION**

Upon consideration of the Application by Debtor to Employ Special Counsel for Corporate and Healthcare Issues (the “Application”), filed by Bellaire General Hospital, L.P., d/b/a Bellaire Medical Center (the “Debtor”), requesting that this Court enter an Order pursuant to 11 U.S.C. §§ 327, 330 and 331 and Rule 2016 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code” or “Code”) authorizing the Debtor to retain and employ the law firm of Smith Moore, LLP (“Smith Moore”) to represent the Debtor in this Chapter 11 case; and having reviewed the Affidavit of Barry S. Herrin and Statement Under Rule 2014 of the Bankruptcy Rules and Section 329 of the Bankruptcy Code (the “Patchin Affidavit”), this Court finds (i) Smith Moore represents no interest adverse to the Debtor’s estate or its creditors with respect to matters upon which they are to be engaged, (ii) Smith Moore is a “disinterested person” as that term is defined under section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code; and (iii) that the employment of Smith Moore is necessary and would be in the best interests of the Debtor’s estate; the Court finds after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED that the Application is granted; and it is further

ORDERED that, in accordance with section 327(a) of the Bankruptcy Code the Debtor is

authorized and empowered to retain Smith Moore to represent it in this case under Chapter 11 of the Bankruptcy Code, effective as of January 3, 2005 (the "Petition Date"); and it is further

ORDERED that Smith Moore shall be compensated in accordance with the procedures set forth in sections 330 and 331 of the Bankruptcy Code and such Bankruptcy Rules as may be then applicable, from time to time, and any order made applicable to Smith Moore establishing procedures for interim compensation and reimbursement of expenses as may be fixed by order of this Court.

Signed February 15, 2005


UNITED STATES BANKRUPTCY JUDGE